

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
APRIL 17, 2001
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hovland, Kelly, Masica and Mayor Maetzold.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hovland and seconded by Member Housh approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

APRIL 22, 2001, PROCLAIMED AS EARTH DAY Mayor Maetzold explained that April 22, 2001, would be celebrated as the 31st annual Earth Day. He encouraged residents to make major contributions to solving environmental and natural resource problems through land use, transportation, solid waste, wastewater treatment and zoning decisions which shape our environment.

Member Housh made a motion proclaiming April 22, 2001, as Earth Day in the City of Edina. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

APRIL 27, 2001, PROCLAIMED AS ARBOR DAY Mayor Maetzold said since 1872, Arbor Day has been celebrated throughout the nation and the world. He explained that Edina, in the past, has been recognized as a Tree City USA by The National Arbor Day Foundation and encouraged foresighted citizens to plant trees now and for future generations.

Member Masica made a motion proclaiming April 27, 2001, as Arbor Day in the City of Edina. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF APRIL 3, 2001, APPROVED** Motion made by Member Hovland and seconded by Member Housh approving the Minutes of the Regular Meeting of the Edina City council for April 3, 2001.

Motion carried on rollcall vote - five ayes.

***PUBLIC HEARING DATE SET FOR MAY 1, 2001, FOR PLANNING MATTERS** Motion made by Member Hovland and seconded by Member Housh setting May 1, 2001 as hearing date for planning matters as follows:

1. Preliminary Rezoning PCD-4, Planned Commercial District-4 to PCD-1, Planned Commercial District-1, Edward and Lisa Noonan, 5400 France Avenue South;
2. Preliminary Rezoning and Amendment to Comprehensive Plan for The Bancor Group, Inc., R-1, Single Dwelling Unit District to PCD-3, Planned Residence District, 4800 and 4804 West 70th Street; and
3. Preliminary Plat Approval - JMS Development and Thorpe Real Estate, 6512 Vernon Avenue.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR PURCHASE OF WATER METERS** Motion made by Member Hovland and seconded by Member Housh for award of bid for water meters to sole source, Hydro Supply Company, at \$30,305.32.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR STREET IMPROVEMENTS FOR West 65th STREET - VALLEY VIEW ROAD TO FRANCE AVENUE AND DREW AVENUE - WEST 66TH STREET TO WEST 65TH STREET, IMPROVEMENTS BA304 AND BA322** Motion made by Member Hovland and seconded by Member Housh for award of bid for street improvements for West 65th Street - Valley View Road to France Avenue and Drew Avenue - West 66th Street to West 65th Street, Improvements BA034 and BA322, to recommended low bidder, Ingram Excavating, Inc., at \$191,544.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR ONE, ONE-TON DUMP TRUCK FOR PARK MAINTENANCE DEPARTMENT** Motion made by Member Hovland and seconded by Member Housh for award of bid for one one-ton dump truck for the park maintenance department to Falls Automotive, Inc, under State Bid Contract #426451, at \$39,207.45.

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2001-26 ADOPTED APPOINTING ELECTION JUDGES FOR SPECIAL ELECTION MAY 16, 2001** Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving adoption as follows:

RESOLUTION NO. 2001-26

APPOINTING ELECTION JUDGES

FOR THE MAY 16, 2001 SPECIAL ELECTION

WHEREAS, Minnesota Election Law 204B.21 requires that persons serving as election judges be appointed by the Council at least 25 days before the election.

BE IT RESOLVED by the Edina City Council that the individuals named on Exhibit A, and on file in the office of the City Clerk be appointed as election judges for the primary election to be conducted on May 16, 2001; and

BE IT FURTHER RESOLVED that the City Clerk is with this, authorized to make any substitutions or additions as deemed necessary.

Passed and adopted by the Edina City Council this 17th day of April, 2001.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2001-24 SETTING HEARING DATE OF JUNE 5, 2001, FOR VACATION OF EDEN CIRCLE Motion made by Member Hovland and seconded by Member Housh setting June 5, 2001, as hearing date for vacation of Eden Circle.

RESOLUTION NO. 2001-24

**CALLING FOR PUBLIC HEARING ON VACATION
PUBLIC STREET RIGHT-OF-WAY**

BE IT RESOLVED by the City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 462.348, Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 5th day of June, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

(Official Publication)

CITY OF EDINA

4801 WEST 50TH STREET

EDINA, MINNESOTA 55424

**NOTICE OF PUBLIC HEARING ON
VACATION OF PUBLIC STREET RIGHT-OF-WAY
EASEMENTS IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on June 5, 2001, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following described Eden Circle street right-of-way:

A 50-foot right-of-way, the centerline of which is described as follows:

"Commencing at a point on the Easterly line of Sherwood Road, said point being 25-feet South of the Southwest corner of Lot 3, Block 1, Edenmoor Addition; thence Easterly parallel to and 25 feet Southerly of the South line of said Lot 3 a distance of 80 feet to a point of curve to the right, having a radius of 70 feet and a central angle of 90 degrees; thence along the arc of said curve to the right a distance of 109.96 feet to the end of said curve; thence South and tangent to the last described curve a distance of 12.51 feet to a point of curve to the left having a radius of 70 feet and a central angle of 90 degrees; thence along the arc of said curve a distance of 109.96 feet to the end of said curve; thence Easterly to a point on the Easterly line of Edenmoor Addition, said point being 177.51 feet South of the Southeast corner of Lot 1, Block 1, Edenmoor Addition, said point being the termination point of the roadway."

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements

within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

Passed this 17th day of April, 2001.

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2001-23, SETTING PUBLIC HEARING DATE FOR MAY 15, 2001, S-068 PARKLAWN AVENUE AND WEST 76TH STREET; AND CONTINUE SIDEWALK IMPROVEMENT S-049, WILSON AND NORMANDALE ROADS FROM SOUTHVIEW LANE TO EDEN AVENUE AND SIDEWALK IMPROVEMENT FOR FURTHER STUDY

Assistant Engineer Houle reminded the Council that they had initiated a sidewalk project along Wilson Road and Normandale Road. The Engineering Department believes this project is feasible but is not included on our Municipal State Aid System. The Edina School Board's Finance Committee has reviewed this project and could potentially support the typical 25% cost sharing if approved by the School Board. The City of Edina could potentially be responsible for 25% and 50% could be derived through special assessment. Mr. Houle recommended that the proposed sidewalk proposal be referred back to staff for further study.

Council comment

Mayor Maetzold said the key issue is on nights when there are football games. The concern is safety with the numbers of non-driving youth that walk on Wilson Road and all the cars leaving the game. Mr. Houle noted that no room exists to install a sidewalk on the easterly boulevard. After speed checks recently, the eighty-five percentile speeds was at 40 mph so safety is a big concern. Manager Hughes said staff agrees this is a needed improvement but is considering a more creative approach to funding the improvement. Mayor Maetzold suggested the proposed sidewalk proposal S-049 go back to staff for further study.

Member Kelly made a motion referring Sidewalk Improvement, S-049 from Wilson and Normandale Roads and from Southview Lane to Eden Avenue back to staff for further study. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Mr. Houle indicated that staff had initiated the sidewalk project along Parklawn Avenue from West 77th Street to West 76th Street and West 76th Street from Parklawn Avenue to France Avenue. The project would be funded through the Municipal State Aid system. After staff reviewed the proposed project, it was deemed feasible and suggested a public hearing date be set for May 15, 2001 for Sidewalk Improvement S-068 from West 77th Street to West 76th Street and West 76th Street from Parklawn Avenue to France Avenue.

Member Kelly made a motion setting a hearing date as follows:

**RESOLUTION NO. 2001-23
RESOLUTION CALLING FOR PUBLIC HEARING
S-068 PARKLAWN AVENUE FROM WEST 77TH STREET
AND WEST 76TH STREET FROM PARKLAWN AVENUE TO FRANCE AVENUE**

BE IT RESOLVED BY THE EDINA CITY COUNCIL that the Council shall meet at 7:00 P.M. on the 15th day of May, 2001, to consider improvement Improvement S-068, installing sidewalk from West 77th Street to West 76th Street and West 76th Street from Parklawn Avenue to France Avenue, and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429.

BE IT FURTHER RESOLVED, that the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

ADOPTED this 17th day of April, 2001.

Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Resolution adopted.

I-494 CORRIDOR COMMISSION UPDATE PRESENTED Member Hovland, Chairman of the 494 Corridor Commission introduced Lisa Raduenz, technical consultant from LGR Consulting and Ross Thorfinnson, former Chairman of the 494 Corridor Commission. Ms. Raduenz, explained that the I-494 Corridor Commission is a Joint Powers Organization, established in 1986 with seven member cities; Bloomington, Edina, Eden Prairie, Maple Grove, Minnetonka, Plymouth and Richfield. The mission of the Commission is to more effectively move people and goods on and through I-494.

Ms. Raduenz explained that since I-494 was constructed in the 1950's as a result of the Eisenhower Federal Interstate Act, the road was expected to achieve lifetime capacity in 50 years but in actuality reached its capacity in the late 1980s. I-494 is Minnesota's "Economic Engine" with current employment in downtown Minneapolis at 163,000 and downtown St. Paul at 47,000, while Bloomington/Richfield/Edina have 163,000 jobs. It is forecast that in 2020, jobs along I-494 will be at 369,000. Ms. Raduenz told that the I-494 corridor is a business "Main Street" with multi-tenant office space at 14.5 million square feet for Bloomington, Richfield and Edina.

Ms. Raduenz compared population changes as follows:

- More Residents
 - 1995: 369,504 Persons in Seven Cities
 - 2020: 438,000 (Metropolitan Council Estimates)
 - Increase of 18.5%
- More Households
 - 1995: 145,127
 - 2020: 185,400 (Metropolitan Council Estimates)
 - Increase of 28%

The plan to accomplish the I-494 Commission mission is as follows:

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- Infrastructure improvements to increase capacity
 - High Occupancy (HOV) Ramp Meter Bypasses
 - Parallel Arterial Improvement List
 - Bus Shoulder Lanes
 - Transit Hub Facilities and Park and Ride Lots
- Maximize Surface lane Expansion Possibilities
 - Third Lane in Each Direction from 34th Avenue to 394
- Increase Travel Demand Management (TDM) and Transit Capabilities
- Identify Funding Opportunities to Achieve Mission

The Proposed I-494 Parallel Arterial Improvements:

- 32 projects near I-494 on north and south parallel arterials will improve traffic flow and provide relief when Highways 494 and 62 segments are under construction over the next decade
- Will require an estimated \$80 - \$120 million of new funding to cities, Hennepin County and Mn/DOT

Ross Thorfinnson explained recent State Legislative Efforts for I-494 are as follows:

- Senate File 1165 (Johnson and Terwilliger)
 - Half percent (1/2%) sales tax increase for metro seven county area only
 - Referendum for Fall 2001
 - Dedicates approximately \$3 billion (10-12 years) for interstate, trunk highway and transit capital needs in Metropolitan Council 25-year plan
 - House bill will be sponsored by Representative Tom Workman
 - Favorable public comments
- New Senate Bill introduced March 8, 2001 by Senator Terwilliger
 - Defers Highway 62/35W interchange construction until after 494 is completed for relief purposes between Portland and Penn Avenues
 - \$500 million in TH bonds to be issued to pay for 494 reconstruction expenses from 34th Avenue to Highway 100
 - Needs another \$100 million for reconstruction of I-494/35W interchange costs

Future Directions:

- 494 priority reconstruction scheduling
- Identify priority funding for 494 and related projects to better manage congestion
- Integrate TDM service/infrastructure planning along 494 and within cities to reduce congestion
- Encourage private investment to speed transportation improvements where possible
- Keep 494 need and message in the public eye

I-494 Corridor Commission Needs Help in the Following Ways:

- For funding to stage I-494 reconstruction properly to reduce impacts to our cities, commuters, businesses and neighborhoods in the entire metro area
- Encourage Governor Ventura, Mn/DOT Commissioner Tinklenberg and Minnesota Senate/House Members to support increased transportation funding this year

Member Housh asked if there is no funding for I-494, would the Highway 62 project proceed. Mr. Thorfinnson responded several bills are still in the mix in the legislature that could stop Highway 62 construction.

Member Masica inquired if future traffic projections have been completed, how do we know that the planned lanes will handle the increase in traffic. Mr. Thorfinnson said no matter what is built, it will not be enough to answer future needs. Member Masica asked if alternative routes exist that would alleviate some congestion. Mr. Thorfinnson commented that the addition of additional lane miles is not yet on the drawing board.

Member Housh asked if it would be better to have no construction on Highway 62 if there can not be funding for I-494 first. Mr. Thorfinnson stated a lot of time has been spent on the Highway 62 and 35W and it is too bad someone did not think about a parallel arterial system along I-494.

Mr. Hughes asked what the most effective thing that could be done with the critical nature of the legislature. Mr. Thorfinnson replied, 1) an increase in the gas tax would raise \$90,000,000 in new dollars, 2) indexing of gas tax to produce the \$90,000,000 in bonding on an annual basis, and 3) dedication of sales tax.

Member Hovland asked about the one-half cent sales tax referendum. Mr. Thorfinnson responded that the proposal would not be part of the omnibus transportation bill but is a separate entity. Mr. Hovland added it seems as if they do not want people to decide on their own.

No formal action was taken.

CONCERN OF RESIDENT

Robert Winter, 4200 Philbrook Lane, voiced concern with damage done to his home during the installation of the storm water holding tank at Pamela Park. Mr. Hughes explained the work was sub-contracted and the liability would be the responsibility of the sub-contractor. Mr. Hughes noted that the final payment from the City to the sub-contractor has been withheld pending the settlement of this issue. The City's insurer has been notified but cannot do anything until the sub-contractor's insurer settles the claim with Mr. Winter. Attorney Gilligan said this process is not totally unusual and pressure just needs to be applied to the sub-contractor's insurer. Mr. Hughes explained this is why City contracts have Indemnification Clauses and provide insurance for damage to protect anything that might occur and taxpayers are not providing liability. Member Hovland inquired whether Mr. Winter had acquired a lawyer or had gotten an estimate for damages on his home. Mr. Winter responded he has had a lawyer but asked what he would do with an estimate if he got one. Mr. Hughes said the estimates should be submitted to the contractor but the City should be copied. Member Kelly stated the City cannot sue the sub-contractor on Mr. Winter's behalf.

***RESOLUTION NO. 2001-25 HEARING DATE SET OF MAY 15, 2001, FOR VACATION OF UTILITY EASEMENT FOR 6909 PATRICK LANE** Motion made by Member Hovland and seconded by Member Housh introducing the following resolution setting May 15, 2001, as hearing date for vacation of utility easement for 6909 Patrick Lane and moving its adoption:

**RESOLUTION NO. 2001-25
CALLING FOR PUBLIC HEARING ON VACATION
UTILITY EASEMENT FOR
6909 PATRICK LANE**

BE IT RESOLVED by the City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 462.348, Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 15th day of May, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

**(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF UTILITY EASEMENTS
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on May 15, 2001, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following utility easement:

That part of the south 5.00 feet of lot 10, Block 1, ELM VIEW 1ST ADDITION, according to the recorded plat thereof and situated in Hennepin county, Minnesota, dedicated as a utility easement which lies west of the east 5.00 feet thereof.

And

That part of the south 5.00 feet of lot 11, Block 1, ELM VIEW 1ST ADDITION, according to the recorded plat thereof and situated in Hennepin county, Minnesota, dedicated as a utility easement which lies west of the east 5.00 feet thereof.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric,

telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

Passed this 17th day of April, 2001.

Motion carried on rollcall vote - five ayes.

***CONFIRMATION OF PAYMENT OF CLAIMS** Member Hovland made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated April 15, 2001, and consisting of 26 pages: General Fund \$235,070.73; Communications Fund \$464.12; Working Capital Fund \$3,535.06; Art Center Fund \$52.08; Golf Dome Fund \$612.60; Golf Course Fund \$28,875.15; Ice Arena Fund \$2,585.11; Edinborough/Centennial Lakes Fund \$6,060.55; Liquor Fund \$179,596.99; Utility Fund \$21,816.42; Storm Sewer Fund \$1,167.15; Recycling Fund \$34.00; Payroll Fund \$300,000.00; TOTAL \$779,869.96; and for Check Register dated April 11, 2001, and consisting of 33 pages; General Fund \$98,948.94; Communications Fund \$8,972.81; Working Capital Fund \$2,626.49; Construction Fund \$196.00; Art Center Fund \$6,906.69; Golf Dome Fund \$14,388.11; Aquatic Center Fund \$1,581.18; Golf Course Fund \$17,727.93; Ice Arena Fund \$14,509.30; Edinborough/Centennial Lakes \$5,761.95; Liquor Fund \$120,461.40; Utility Fund \$29,333.32; Storm Sewer Fund \$487.73; HRA Fund \$100,000.00; TOTAL \$421,901.85.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 8:50 P.M.

City Clerk